

21 January 1974

Note for IBM file:

STATINTL

[REDACTED] NSA, advises that they have provided a highly classified listing of NSA documents being withheld. This listing is for the eyes of the judge alone. Its purpose is not to comply ~~to~~ WITH the court's order, but to expose the judge to the nature of the problem. The listing consists of one sheet of paper to a file, summarizing the contents of the file with dates. The Deputy Director/NSA is going to New York during the third week of February with sample documents, but NSA is still pressing the judge to come down to NSA for a briefing.

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Approved For Release 2002/08/06 : CIA-RDP78-01092A000100050010-4

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V.S. v. REYNOLDS

345 U.S. at 7-8
(comparative evidentiary)
review of documents sought)

V.S. v. MARCHETTI

466 F2d (309, 1318

(Court ill equipped to
review classification)

EPSTEIN v. RESOR 421 F2d
430

PAN-AM v. AETNA CAS + SURETY CO.

"intelligence" sought would
not have enhanced significantly
the factual knowledge needed
for this lawsuit.

IBM Case

STATOTHR

10/10/73

CHARLES R. ESTHERICK,

STATOTHR

DOJ Anti-TRUST DIV. 187 X 2492

Want to come over next week to see if we can't produce some record, in response to court order.

DOJ has set up rough schedule on trial 1. By stat 1974 - interrog., 3rd party deposition, partial conference etc. 2. Try case in Sept.

TEXAS decision has changed things some.

IBM wants info. on procurement and evaluation of computers. Feels we must have stuff they can see. Feels court will not be sympathetic to our privilege plea. He obviously can't fathom "source + method."

STATINTL
10/12/73

[] NSA - We will talk to Estherick next week.

STATINTL

10/16/73

[] will call 10/19 for appt w/ 10/22 suggests limited stipulations by CIA + NSA

STATINTL

STATINTL

11/1

[redacted] suggests [redacted]
from Treggs staff for computer expertise +
broad knowledge Agency computer, etc
for discussions with DOT.

11/

STATINTL

11/8



NSA

Told Fisherick will provide memorandum of law for presentation at next pre-trial hearing in about two weeks. Told Fisherick must hold line. AEC + DIA also difficult -

STATINTL

[redacted] says basic rules on computers in Intell Community are in DOD 6/3

~~ref ID~~ Ed Bradley IRS 1160 coordinating re-write.
DCID 1/16

Judge wants CIA to produce

1. list of docs w/ b
- OR-
2. categorization + generalization about types of docs w/b & why we can't produce.

Motivating privilege -

Possibility of statistics for IC being made avail. as a break.

Bracing sections of sensitive docs.

Written ~~intention~~ intention to produce b docs.

EVER →

My B scheduled for rec'd
order # 11 to describe info
interested in.

Who will appear for CIA to explain
why docs cannot be produced?

11/19 DOJ/KATZ X2561

Told him most offices offering
something (declassification - declassified
copies - listings for examination
by IBM at CIA)

He thinks declassified Kevor
copies will be acceptable.

[redacted] STATINTL

14 February 1973 DCI, DDI and DDP advised that all responsive documents produced for original search. They have no such documents in Records Center. DDS&T [redacted] has directed their offices to complete search and segregation of inactive files at Records Center by 23 March. DDS has only OL files at Records Center. [redacted] advises that OL has about 250 unclassified files possibly pertinent. Search involves about four man-weeks of work, and can be completed about mid-March. I advised DOJ (Fitzgerald) that we would have stored files available for inspection about the end of March.

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21 FEBR. 1973 DOJ/FITZGERALD AGREED TO PRODUCTION
OF XEROX COPIES. [redacted] ADVISED.

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29 MARCH 1973 [redacted] DDS&T X4248 CONFIRMS THAT
ALL THEIR MATERIAL NOW IN [redacted] HANDS.
WAITING MATERIAL SENT BY NPIE + TSD. THIS WILL
COMPLETE SEARCH & HE WILL CALL ME WHEN HE
RECEIVES IT.

STATINTL

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2 APRIL 73 - TOLD DOJ/FITZGERALD WE'RE READY WITH
ABOUT 7 1/2" UNCLASSIFIED. HE WILL CALL ^{ME} WHEN
IBM WANTS TO INSPECT.
6 APRIL 1973 - IBM INSPECTION TOOK PLACE. (ABOUT 2 1/2 HRS.)
COPIED 39 DOCUMENTS.

STATOTHR

26 JUNE 1973 SENT COPIES HELMS AFFIDAVITS
OF 18 JAN. & 27 APRIL '73 TO W.J. BURKE,
SECURITY OFFICER, IBM, [redacted]

STATOTHR

[redacted] THIS AT
BURKE'S REQUEST IN RESPONSE TO HIS REQUEST FOR
CLEARANCES FOR IBM REPS. TO EXAMINE CIA CLASSIFIED
DOCUMENTS